

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
DECEMBER 7, 2009  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER JASON R. BURTO  
COUNCIL MEMBER JOSEPH M. BUTLER, JR.  
COUNCIL MEMBER JEFFREY M. SMITH  
MAYOR GRAHAM**

**ABSENT:**           **COUNCIL MEMBER ROXANNE M. BURNS**

**ALSO PRESENT:**   **MARY M. CORRIVEAU, CITY MANAGER  
ATTORNEY ROBERT J. SLYE**

The City Manager presented the following reports to the Council:

- 1 - Approving Online Auction Contract With Auctions International, Incorporated
- 2 - Establishing County Tax Rate 2010
- 3 - Approving Amendment to the City of Watertown Procurement Policy
- 4 - Approving Agreement for Professional Land Surveying Services, Storino Geomatics
- 5 - Authorizing Sale of Real Property, Known as 45 Pennsylvania Avenue to Benjamin and Katrina Butz, 215 Sterling Street, Watertown, New York 13601
- 6 - Authorizing Sale of Real Property, Known as 46 Pennsylvania Avenue to Benjamin and Katrina Butz, 215 Sterling Street, Watertown, New York 13601
- 7 - 2009-2010 Sidewalk Improvement Special Assessment Program
- 8 - Approving the Special Use Permit Request Submitted by Lou A. Bedford and Ken Bedford to Allow a Tattoo and Body Piercing Studio at 839 State Street Parcel No. 06-09-201.000
- 9 - Approving an Amended Site Plan for the Construction of a 5,793 sq. ft. Addition Located at 595 Main Street West, Parcel Numbers 1-14-121.002, 1-14-121.003, 1-14-126.000
- 10 - Amending City Municipal Code A320, Article V, Miscellaneous Fees, §320-6, Schedule of Fees
- 11 - Amending City Municipal Code A320, Article V, Miscellaneous Fees, §320-6, Schedule of Fees
- 12 - Amending City Municipal Code §293, Vehicles and Traffic
- 13 - 7:30 p.m. – Public Hearing on Special Use Permit Request Submitted by Mark Bonner to Allow an Auto Sales Lot and Auto Detailing Operation Located at 804 State Street, Parcel No. 12-06-322
- 14 - Offer to Purchase 575 Water Street
- 15 - Quarterly Financial Report
- 16 - Executive Session to discuss collective bargaining.

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of November 16, 2009 and the adjourned meeting of November 23, 2009 was dispensed with and accepted as written by motion of Council Member Butler, seconded by Council Member Burto and carried with all voting in favor thereof.

Police Award to Jason Roach.

### **COMMUNICATIONS**

From City Manager Corriveau thanking Rev. & Mrs. Brown as well as Mayor Graham for their donations toward the purchase of a new Menorah for Public Square.

### **ABOVE PLACED ON FILE**

Claim against the City was resubmitted by Richard Badi for damage to his vehicle. Original claim was denied.

### **ABOVE REFERRED TO THE BOARD OF AUDIT**

The Watertown Police Department presented an award to Jason W. Roach for his assistance to a Police Officer during an incident that occurred on September 20<sup>th</sup>.

Mayor Graham thanked Chief Goss and the Watertown Police Department for their investigating work done in conjunction with the murder that occurred over the weekend.

### **PRIVILEGE OF THE FLOOR**

**Tucker Wiley**, President of the Firefighter's Union addressed the chair regarding the criteria for taking the Fire Chief's exam in January. He commented that the public exam has broader criteria than the promotional exam. He reviewed the test notices for this exam as well as the Police Chief exam and asked why it couldn't be opened up the way the Police exam is.

Council Member Smith asked if he meant that the criteria doesn't apply to the promotional exam.

Mrs. Corriveau explained that the minimum qualifications have been reviewed and approved by the Civil Service Commission. She also advised that applications are due a week from today.

Mayor Graham remarked that since this is a policy matter, it would be discussed under new business.

### **PUBLIC HEARING**

**AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY MARK BONNER TO ALLOW AN AUTO SALES LOT AND AUTO DETAILING OPERATION LOCATED AT 804 STATE STREET, PARCEL NO. 12-06-322.**

**MAYOR GRAHAM OPENED THE PUBLIC HEARING.**

**Gerard DeRouchie** addressed the chair explaining that he had contacted Mr. Bonner about locating his business at 804 State St. Currently he has a business in with his family's business at another location on State Street. He commented that there is a gas station on one corner, Cheney's is located on another and an insurance company is across the street. He suggested that his business might very well bring new customers to those businesses.

Council Member Butler commented that his expectations for the property were a little different given Mr. Bonner's prior comments. He remarked that he would like to see the lot paved. He asked if that were made a stipulation if it was something that could be done by next summer.

**John Gray**, 803 State Street, addressed the chair advising that there had been a gas station there many years ago. He remarked that he thought this business would be good for the neighborhood.

**Mark Bonner**, owner of the property, addressed the chair stating that it had been an empty lot which he bought as a speculative property. He commented that Mr. DeRouchie would do an excellent job there.

**MAYOR GRAHAM CLOSED THE PUBLIC HEARING AT 7:37 P.M.**

**R E S O L U T I O N S**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown has determined that it owns a vehicle that have been decommissioned and is excess to the City's needs, namely a 1993 Vactor Sewer vac, and

WHEREAS the City also has a 1960 vintage natural gas fired Kohler model 30 R 82 25 KW generator that is no longer in use, and

WHEREAS it is the City's desire to get the best price possible for this vehicle and equipment, and

WHEREAS the Purchasing Agent, Robert J. Cleaver, has contacted Auctions International, Inc., which conducts online auctions, and

WHEREAS there is no cost to the City, as the fee will be a 10% buyer's premium,

NOW THEREFORE BE IT RESOLVED by the City Council that it hereby approves the Online Auction Contract with Auctions International, Incorporated, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that if the highest bid does not meet the City's minimum asking price, no sale will take place, without prior approval of the City Council, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Contract and accept the highest offer at the time of sale above the City's minimum bid, on behalf of the City.

**SECONDED BY COUNCIL MEMBER JOSPEH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked about using the decommissioned sewer vac as a spare if the new one is down.

Mr. Hayes remarked that the county originally was interested in it. However, they declined because of tight budget. He explained that if we don't run it all the time, it would not work well as a spare.

**INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

WHEREAS the Board of Legislators of the County of Jefferson, by resolution dated November 10, 2009, certified to the City that the contribution of the City of Watertown to the taxes of the County of Jefferson for the Fiscal Year beginning January 1, 2010 is \$7,044,658.97,

NOW THEREFORE BE IT RESOLVED that the City Council shall and hereby does levy the said aggregate amount of taxes of \$7,044,658.97, so ascertained and directed and to be certified to the City and to be extended on the Assessment Rolls by the City Assessor, as provided by Section 115 of the City Charter, and

BE IT FURTHER RESOLVED that the City does hereby levy a total fee of \$7,044,658.97 to be collected at a rate of \$7.047448 per \$1,000 of assessed valuation, which total of \$7,044,658.97 includes \$35,817.86 in omitted taxes.

**SECONDED BY COUNCIL MEMBER JASON R. BURTO AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER SMITH VOTING NAY**

Prior to the vote on the foregoing resolution, discussion was held reviewing why the City collects the tax and makes the County whole each year.

Council Member Smith questioned if a better deal could be worked out if a property was foreclosed on than the current process.

Attorney Slye advised that the City opted out of the state provisions, along with most other cities, many years ago and that is why each year, the City collects the tax and makes the County whole.

Council Member Smith remarked that for the amount of money we have to collect to make the County whole, it would make an issue for a strong work session debate.

Council Member Smith remarked that if Mercy went into default, the City would have to make it whole as compared to spreading it out across the entire County.

Mr. Mills advised that his office remits the payments received to the County each week and then sends the remainder due on March 1<sup>st</sup>, per the City Charter.

Council Member Butler asked about tabling this resolution until a work session discussion.

Attorney Slye advised that we don't have the time to table it. He also remarked that there are reasons why small cities opted out years ago.

Mrs. Corriveau remarked that the system works well for the City. She also advised that a few years ago, Mercy did have problems. The school system, the county and the city came together and agreed to wait for their payments.

Council Member Smith asked what would happen if we opted out of the current system.

Mayor Graham remarked that staff could check into this for Council. He also commented that this discussion is held every year.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the New York State Legislature adopted legislation amending General Municipal Law, Section 103 increasing the public work contract competitive bidding threshold, from \$20,000 to \$35,000, and

WHEREAS in response to this action by the State Legislature, the City's Procurement Policy which was adopted in 1992, and amended by the City Council in February 2009, has been amended to reflect this new public work contract competitive bidding threshold enacted by the State legislature,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Procurement Policy for the City of Watertown, a copy of which has been attached and made a part of this resolution.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Smith asked if this has to be done or are we allowed to not increase the amount.

Mrs. Corriveau and Attorney Slye commented that they didn't know that answer.

Council Member Butler remarked that the policy seems to be consistent with state law.

Mrs. Corriveau explained that it raises the upper limits on purchases, contracts and rental/lease agreements to bring them more in line.

Council Member Smith asked how increasing the amount from \$20,000 to \$35,000 would be beneficial to the City.

Attorney Slye explained that it is not cheap to go through the bid process.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS in the course of business the City of Watertown routinely has a need for land surveying services, and

WHEREAS the City does not have a licensed land surveyor on its staff to perform routine survey work as the need arises, and

WHEREAS surveying services are professional services within the meaning of the New York General Municipal Law, and

WHEREAS Storino Geomatics has offered to perform routine surveying services for the City in connection with assigned projects at specified rate for identified services on a non-exclusive basis,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Agreement for Professional Land Surveying Services, between the City of Watertown and Storino Geomatics, 179 Conger Avenue, Watertown NY, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute said agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURTO VOTING NAY**

Prior to the vote on the foregoing resolution, Council Member Butler asked if the fees were consistent with other firms. He remarked that the City set aside \$20,000 in the budget for this service. However, he questioned how much work could be done at these prices before reaching the \$20,000 limit. He remarked that he thinks the City would do better with hiring a temporary employee at \$20,000.

City Engineer Kurt Hauk explained that these fees are for the day to day operations. When doing capital projects, the costs would be tied to them. He remarked that the rates are competitive and in some cases are more than competitive.

Mrs. Corriveau advised that we are not paying Mr. Storino fringe benefits. A temporary employee would have fringes such as FICA. They could also opt into the retirement system and it would be an additional expense to the City.

Mr. Hauk also remarked that this would be assuming we could even find someone to work on a temporary basis. He remarked that they will manage the \$20,000 figure and hold off on projects that would cost more.

Council Member Butler asked how this is different from the part time inspectors.

Mr. Hauk explained that it is a similar agreement.

Council Member Smith remarked that with the larger capital projects such as Breen, where there is no federal or state funding, the City would be better off with a full time person.

Mr. Hauk responded that he didn't disagree. However, the department does not have the position at this time.

Mayor Graham questioned why we just don't keep a list of surveyors and call one when needed. He questioned why a contract was needed with one of them when professional services are not bid.

Attorney Slye advised that it is because the City wants the rate that Mr. Storino has agreed to.

Mayor Graham asked if other firms had submitted their rates.

Attorney Slye responded that they didn't have to.

Council Member Butler remarked that this is a non-exclusive agreement. He asked why we couldn't offer the same agreement to other surveying firms.

Mayor Graham remarked that the rates are based on the \$20,000.

Mr. Hauk responded that if he had it opened to all surveyors, he would have to talk to each one and he doesn't want to have to do that. In addition, Mr. Storino has 30 years of experience with the City. Mr. Hauk stated that he knows Mr. Storino's work and that is the firm that he wants to deal with.

Council Member Butler remarked that he has no problem with Mr. Storino. However, he thinks that it should have been opened up to other firms.

Mr. Hauk explained that it is a 2 year agreement that can be renewed if both parties wish.

Council Member Smith remarked that the main problem is that we need a surveyor on staff. He asked where the incentive would be to find a surveyor if this agreement is in place.

Mrs. Corriveau responded that the stumbling blocks are money and finding someone with the skill sets that are needed.

Mayor Graham remarked that an employee of this type would have a six figure income.

Council Member Smith remarked that the employee could do multiple tasks and projects.

Mr. Hauk explained that a surveyor has to have a license and anyone who does, is usually well up the ladder in a firm or has their own firm.

Council Member Butler asked what the pay would be.

Mrs. Corriveau remarked that we would have to go out into the market to see what is being paid.

Council Member Burto remarked that this should have gone out as an RFP just to see what the competitive prices were.

Mr. Hauk responded that he compared prices and what we are getting with this contract is better than what we would have gotten.

Council Member Burto remarked that the Storino firm is small and questioned what would happen if they were tied up and unable to do the work when called upon.

Mayor Graham remarked that he doesn't understand why we need to negotiate a rate.

Council Member Smith commented that this gives the appearance that it wasn't completely open.

Council Member Burto asked if other businesses know that the City is looking for surveyors.

Mr. Hauk remarked that with Mr. Storino's 30 years of institutional knowledge, he would take his firm every time.

Council Member Butler remarked that he has no problem with Mr. Storino but feels that this should be opened up.

Mrs. Corriveau responded that there is no problem in putting out an RFP for the overflow.

Mr. Hauk remarked that there is not an intent to exclude anybody.

Council Member Smith remarked that his concern is with the openness.

Mr. Hauk advised that an RFP is for the most qualified professional, not the fee schedule.

Council Member Butler remarked that he has a lot of reservations about this, but he doesn't want to put the Engineering Department in a jam. However, it should be opened up.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 45 Pennsylvania Avenue, approximately 50' x 110' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 5-12-227.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$150.00 submitted by Benjamin and Katrina Butz, for the purchase of Parcel No. 5-12-227.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Jeremiah W. Murphy upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution as well as the following resolution, Mr. Mills explained that the individuals are buying up this property to eventually build on it. He explained that the abutting property owners were notified.

Council Member Butler asked if Mr. Murphy wanted it at the lower price.

Mr. Mills explained that he hadn't asked him. He advised that Mr. Murphy had declined on the property due to closing and filing costs.

Council Member Butler asked what happens to the money that Mr. Murphy gave the City.

Mr. Mills explained that Mr. Murphy loses his 10% deposit.

Council Member Burto asked if the City should go back to Mr. Murphy to see if he was interested.

Mr. Mills responded that the decision would be up to Council.

Council Member Smith asked if the issue was ever resolved with Mr. Hartz and Mr. Diettrich.

Mrs. Corriveau stated that she didn't know.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 46 Pennsylvania Avenue, approximately 50' x 100' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 5-12-228.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$150.00 submitted by Benjamin and Katrina Butz for the purchase of Parcel No. 5-12-228.000, is a fair

and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Jeremiah W. Murphy upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City Engineering Department has inspected sidewalks within the City of Watertown, and

WHEREAS it has been determined that the condition of sidewalks on certain streets are in need of repair and/or replacement, and

WHEREAS the City Council of the City of Watertown feels it is in the overall public interest to provide property owners within the City of Watertown with an opportunity to pay for said repair/replacement work through a Special Assessment Program,

NOW THEREFORE BE IT RESOLVED that a public hearing will be held on Monday, February 1, 2010, at 7:30 p.m. at which time property owners included in the Special Assessment Program will have an opportunity to make comments on whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the City Engineering Department will send notices to all property owners notifying them of their inclusion in this year's program and that there will be a public hearing to consider whether all or a portion of the cost for proposed sidewalk improvements should be a charge or expense upon the abutting property owners, and

BE IT FURTHER RESOLVED that the properties included in the Spring 2010 Sidewalk Special Assessment Program are located at 535 Thompson Blvd., and 557 Thompson Blvd.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS Lou A. Bedford and Ken Bedford have made application for a Special Use Permit to allow a tattoo and body piercing studio at 839 State Street, Parcel No. 06-09-201.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on December 1, 2009 and adopted a motion recommending that the City Council approve the request as submitted, and

WHEREAS a public hearing was held on the proposed Special Use Permit on December 21, 2009, after due public notice, and

WHEREAS the City Council has determined that the project is an Unlisted Action under SEQRA and has reviewed the Short Environmental Assessment Form, including responding to the questions in Part 2,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed tattoo and body piercing studio at 839 State Street is an Unlisted Action pursuant to SEQRA and that the use will not have a negative environmental impact, and

BE IT FURTHER RESOLVED by the City Council that a Special Use Permit is hereby granted to Lou A. Bedford and Ken Bedford for a tattoo and body piercing studio at 839 State Street, Parcel No. 06-09-201.000.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING RESOLUTION FOR MONDAY, DECEMBER 21, 2009 AT 7:30 P.M.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS Rick Tague of Bernier Carr & Associates, on behalf of James Scordo of the CREDO Community Center, has made an application for an amendment to the approved site plan for the construction of a 5,793 sq. ft. addition located at 595 Main Street West, Parcel Numbers 1-14-121.002, 1-14-121.003 and 1-14-126.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the revised site plan at its meeting held on December 1, 2009, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. That a third handicap parking space shall be added to the site plan.

2. That Parcels Nos. 01-14-121.002, 01-14-126.000 and 01-14-121.003 are combined by way of a new metes and bounds description filed with the County Clerk.
3. That a backshield is added on the light pole adjacent Desrosier property and that an updated photometric plan is submitted to the Engineering Department.

And,

WHEREAS the Jefferson County Planning Board reviewed the site plan at its meeting held on June 30, 2009, and adopted a motion that the project does not have any significant County-wide or intermunicipal issues and is of local concern only, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Rick Tague of Bernier Carr & Associates, on behalf of James Scordo of the CREDO Community Center, for an amended site plan for the construction of a 5,793 sq. ft. addition located at 595 Main Street West, Parcel Numbers 1-14-121.002, 1-14-121.003 and 1-14-126.000 as shown on plans submitted to the City Engineer on November 17, 2009, contingent upon the applicant making the revisions and meeting the requirements listed above in the City Planning Board's recommendation, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with sufficient copies of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARREID  
WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked about the County Planning Board having concerns about the storm water flow.

Mr. Mix explained that with all due respect to the County Planning Board staff, they don't have engineers on staff and we do. The change now is for more lawn area and a much larger open area with storm water intercepted at a catch basin.

**THE RESOLUTION “APPROVING SPECIAL USE PERMIT REQUEST SUBMITTED BY MARK BONNER TO ALLOW AN AUTO SALES LOT AND AUTO DETALINING OPERATION LOCATED AT 804 STATE STREET, PARCEL NO. 12-06-322” WAS PRESENTED TO COUNCIL.** (Introduced to Council on November 16, 2009; public hearing held this evening; appears in its entirety on page 264 of the 2009 Minutes Book).

Council Member Smith remarked that the concerns about the fence in the back and no auto repair work being done on site have not been written into the resolution and if not put in, they don't have to be held to it.

Attorney Slye advised that Council may specify appropriate conditions and safeguards in harmony with the rules and standards as outlined in §310-52.3 of the City Code

Council Member Butler asked about the paving of the lot.

Attorney Slye responded that if Council thinks that the condition of paving the lot makes it such that it promotes the development of the district, it could be an imposed condition. He also remarked that this is not something that has to be decided tonight as Council has 62 days from the public hearing to put conditions in place. He also remarked that his concern about the paving issue is enforceability.

Mayor Graham remarked that he is not sure that Council can negotiate time lines for a finding that hasn't been imposed yet. He also remarked that Attorney Slye is right in that it would be tough to enforce.

Attorney Slye commented that if Council wishes, they could table the resolution to consider and bring thoughts to the table since they have 62 days.

Council Member Smith remarked that the conditions should be put in the resolution with a time period and revoked if it isn't done.

Council Member Butler asked Mr. DeRouchie if he could have it paved by the summer of 2011.

Mr. DeRouchie responded that it would probably be about \$3,000 and would be the cost of doing business.

Council Member Smith mentioned that this paving would only include the side and front.

Mr. DeRouchie stated that the fence is already done.

Mayor Graham remarked that these kinds of conditions are things that a person would agree with now just to get the process done. He also commented that he was interested in hearing what the neighbors had to say and Mr. Gray gave his blessing.

Council Member Butler asked how long the lease was for.

Mr. DeRouchie stated that it was from year to year.

Mrs. Corriveau advised that the restrictions are given to Mr. Bonner, not to leasee.

Mayor Graham asked if Council wanted to vote on this tonight or call for another resolution.

Council agreed to table.

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO TABLE THE FOREGOING RESOLUTION.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

### **ORDINANCES**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

BE IT ORDAINED that Chapter A320, Article V, Miscellaneous Fees, §A320-6, Schedule of Fees of the City Code of the City of Watertown is amended as follows:

§ A320-6. Schedule of Fees.

A. Fees for various business permits and licenses are as set forth below:

<b>Type</b>	<b>Fee</b>
Snow dump permit	\$125 per truck, up to three trucks per business; \$500 flat fee for four or more trucks per business

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

**LAI D OVER UNDER THE RULES**

**INTRODUCED BY COUNCIL MEMBER JEFFREY. SMITH**

BE IT ORDAINED that Chapter A320, Article V of the City Code of the City of Watertown is amended to add the following:

§ A320-6. Schedule of fees.

B. The Citibus fare schedule and monthly bus pass program fare schedule shall be as follows:

9. Monthly unlimited ride pass: \$40 per month

BE IT FURTHER ORDAINED that this amendment shall take effect on January 1, 2010.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

**LAI D OVER UNDER THE RULES**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

BE IT ORDAINED that the City Council of the City of Watertown hereby amends the City Municipal Code § 293, Vehicles and Traffic by amending the following Section:

§ 293-21, General Parking Restrictions

B. Schools. No person shall park, stop, or cause the standing of any motor vehicle at or near the curbline or in the roadway of that side of any street which adjoins property upon which a school is located, from 7:00 a.m. to 4:30 p.m. on a school day. The parking, stopping, and standing of motor vehicles shall be defined by Section 2B.39 of the New York State Supplement to the National Manual on Uniform Traffic Control Devices (2003 Edition). This shall not, however, prohibit passenger loading and unloading within the passenger loading/unloading zones set forth in § 293-76. This provision shall not apply to any street that adjoins the Watertown City School District, Washington Street Campus.

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **add** the following:

§ 293-51. Schedule III. School Speed Limits

<u>Name of Street</u>	<u>Speed Limit (mph)</u>	<u>Location</u>
-----------------------	--------------------------	-----------------

Winthrop Street	15	From a point 60 feet south of State Street to a point 475 feet south thereof
-----------------	----	--

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **add** the following:

§ 293-61. Schedule XIII. Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Winthrop Street	East	From State Street to a point 525 feet south thereof
Winthrop Street	East	From Academy Street to a point 90 feet north thereof
Winthrop Street	West	From State Street to a point 475 feet south thereof
Winthrop Street	West	From Academy Street to a point 80 feet north thereof

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **delete** the following:

§ 293-61. Schedule XIII. Parking Prohibited at All Times

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Winthrop Street	Both	Entire length (except Sundays)

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **add** the following:

§ 293-62. Schedule XIV. No Stopping

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Winthrop Street	East	From a point 35 feet south of

State Street to a point 490 feet south thereof

Winthrop Street	West	From a point 40 feet south of State Street to a point 170 feet south thereof
-----------------	------	--

Winthrop Street	West	From a point 305 feet south of State Street to a point 170 feet south thereof
-----------------	------	---

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **add** the following:

§ 293-63. Schedule XV. No Standing

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Winthrop Street	East	From a point 35 feet south of State Street to a point 490 feet south thereof
Winthrop Street	West	From a point 40 feet south of State Street to a point 435 feet south thereof

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **delete** the following:

§ 293-67. Schedule XIX. Restricted Time Limit Parking

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Winthrop Street	West	2 hrs.; 9:00 a.m. To 8:00 p.m.	Entire Length

and,

BE IT FURTHER ORDAINED that Chapter 293 of the City Code of the City of Watertown is amended to **add** the following:

§ 293-76. Schedule XXVIII. School Passenger Loading/Unloading Zones

<u>Name of Street</u>	<u>Side</u>	<u>Hours/Days</u>	<u>Location</u>
Winthrop Street	West	7:00 a.m. to 4:30 p.m./Mon. through Friday	From a point 210 feet south of State Street to a point 95 feet south thereof

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

### **LAI D OVER UNDER THE RULES**

Commenting on the foregoing ordinance, Council Member Smith asked about parking for funerals and weddings.

Mayor Graham suggested that this be discussed under new business.

**\*\* \*\* \***

### **COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

#### **Public Donations for Menorah**

Mayor Graham referred to Margaret Coe's letter concerning public donations for this. Jim Mills has set up a trust account for any donations.

#### **Health Officer**

Mayor Graham referred to the memo from Mrs. Corriveau regarding Dr. Emerton's offer to be Health Officer.

It was agreed that Dr. Emerton will be contacted to meet with Attorney Slye and the Codes Supervisor as well as being asked to attend the next work session.

#### **Library Board Reappointment**

Mayor Graham asked that a resolution be drawn up for December 21<sup>st</sup> to reappoint Steve Gebo for another term on the library board. Mr. Gebo was appointed in 2008 to finish Mr. Bradley's term which expires at the end of this month.

### **575 Water Street**

Mr. Mix referred to his memo concerning Mr. Mahan's offer to purchase this City owned lot. He explained that it does have some topographical issues. He also commented that it may have been up for auction at some point, but not in recent years.

Mayor Graham asked if Council wanted to put this in the auction in a timely manner or did they want to accept the offer for private sale. He remarked that he thought we would be better off to have a special auction in January.

Mr. Mix suggested that the two other parcels adjacent to this one also be placed in the auction.

Mayor Graham asked that the lot at the corner of Starbuck Ave and E. Main be added to the auction along with the lot on Pearl Street as outlined on the map attached to the memo.

Mr. Mills explained that once the resolution comes before Council, he will schedule an auction in mid to late January after advertising it three times in the newspaper.

### **St. Marys Street Parking**

Council Member Burto asked what staff found out about this.

Mrs. Corriveau advised that this is no parking on one side and it is signed correctly.

### **Deficit Reduction Plan**

Mrs. Corriveau reviewed this memo with Council. She explained that based on the calculation included in the deficit reduction plan, the city will receive a 2% reduction or \$101,804.

### **Thompson Park**

Council Member Butler remarked that debris was cut down by DPW crews near the entrance to the park by the golf course. However, the debris is still there and needs to be cleaned up.

### **Winthrop Street Parking**

Council Member Smith asked Chief Goss how parking was going to be handled for funerals and weddings.

Chief Goss explained that with funeral services and limo services, people stay with the vehicles, so it is not considered parking.

Mr. Hauk explained the problem with including this working in the ordinance. He also remarked that Holy Family is very committed to this no parking ordinance.

### **Fire Chief's Exam**

Mrs. Corriveau advised that to be a valid list, one person had to pass. To be a binding list, three people had to pass.

Capt. Wiley addressed the chair remarking that he is talking about institutional experience just like Mr. Hauk did concerning the engineering department. He stated that those comments had made his argument for him.

Mayor Graham asked if he was saying that since there were only 2 eligible to take the test that it wouldn't be a binding list. He asked if Capt. Wiley thought it was done on purpose.

Capt. Wiley responded that he didn't know why it was done, but it was different criteria than the last time.

Council Member Smith asked why it is different from the police department and asked if staff recommended this to the Civil Service Commission.

Mrs. Corriveau explained that she and Beth Morris had talked with Police Capt. Reff and reviewed the minimum qualifications for the job. Mrs. Morris and Mrs. Corriveau also spoke with Chief Gaumont about the qualifications for that job. Based on those discussions, recommendations were made to the Civil Service Commission.

Council Member Smith asked if Capt. Wiley thought the department was worse or better off by hiring outside for the former chief.

Capt. Wiley stated that the department has better equipment. However, morale has gone up 300% since March and Chief Sayre does an excellent job.

Mayor Graham remarked that he thinks the department's beef is with Civil Service.

Mrs. Corriveau responded that the beef is with the appointing authority which is her. She remarked that this is the first that she has heard about this. She remarked that Civil Service would have addressed this issue earlier.

Capt Wiley remarked that he had no beef with anyone. However, the announcement was put out late in October.

Council Member Smith asked if they could petition for a change in criteria.

Mrs. Corriveau remarked that she would have to check with Mrs. Morris. She also advised that there is nothing prohibiting the two individuals from taking the open competitive exam.

Attorney Slye advised that it is inappropriate to put the appointing authority on the spot.

Mayor Graham remarked that he wasn't trying to do that. He suggested that any redress for this issue be done through Civil Service.

**EXECUTIVE SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER SMITH TO MOVE INTO EXECUTIVE SESSION TO DISCUSS COLLECTIVE BARGAINING.**

**MOTION WAS SECONDED BY COUNCIL MEMBER BURTO AND CARRIED WITH ALL VOTING YEA.**

Council moved into Executive Session at 9:32 p.m.

Council reconvened at 10:05 p.m.

**ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 10:05 P.M. BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Donna M. Dutton*  
City Clerk